

REMARKS/ARGUMENTS

Claims 1, 3, 5-12 and 22-31 remain in the application, all of which stand rejected. Claims 2, 4 and 13-21 have been canceled, but may be pursued in a divisional application without prejudice.

Claim 1 has been amended to incorporate the limitations of canceled claims 2 and 4.

Claim 22 has been amended to incorporate the limitations of canceled claim 21.

Claims 24-30 have been amended to update their dependencies in light of the merger of claim 21 into claim 22.

Claim 31 has been amended to correct a simple omission.

None of the amendments to the claims are believed to add new matter.

1. Objection to the Drawings

The drawings stand objected to under 37 CFR 1.83(a) for not showing the "photodetector" of claim 14 or the "optical IF amplifier" of claim 15. However, claims 14 and 15 have been canceled herein, rendering these objections to the drawings moot.

2. Rejection of Claims 14 and 15 Under 35 USC 112

Claims 14 and 15 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. However, claims 14 and 15 have been canceled herein, rendering the rejections of these claims moot.

3. Rejection of Claims 1-10, 12, 21-24 and 26-31 Under 35 USC 103(a)

Claims 1-10, 12, 21-24 and 26-31 stand rejected under 35 USC 103(a) as being unpatentable over Olshansky et al. (US Pat. No. 5,134,509; hereinafter "Olshansky") in view of Taylor (US Pub. Pat. App. No. 2004/0114939 A1).

Claim 1 has been amended to incorporate the limitations of claims 2 and 4. As amended, claim 1 now recites that 1) the first conversion unit comprises "a local oscillator for generating a *swept* local oscillator signal", and 2) the second conversion unit comprises "an electrical local oscillator for generating a *fixed* electrical local oscillator signal". Neither Olshansky or Taylor teach such a combination, and claim 1 is believed to be allowable for at least this reason.

Claims 3, 5-10 and 12 are believed to be allowable, at least, because they depend from claim 1.

Claims 22-24 and 26-31 are believed to be allowable, at least, for reasons similar to why claim 1 is believed to be allowable.

Claims 2, 4 and 21 have been canceled.

4. Rejection of Claim 11 Under 35 USC 103(a)

Claim 11 stands rejected under 35 USC 103(a) as being unpatentable over Olshansky et al. (US Pat. No. 5,134,509; hereinafter "Olshansky") in view of Taylor (US Pub. Pat. App. No. 2004/0114939 A1) and Graves et al. (US Pat. No. 3,975,628; hereinafter "Graves").

Claim 11 is believed to be allowable, at least, because 1) it depends from claim 1, and 2) Graves fails to disclose that which is missing from the combined teachings of Olshansky and Taylor (see, sec. 3 of these Remarks/Arguments).

5. Rejection of Claims 13, 14 and 16-18 Under 35 USC 103(a)

Claims 13, 14 and 16-18 stand rejected under 35 USC 103(a) as being unpatentable over Mells (US Pat. No. 6,850,710) in view of Taylor (US Pub. Pat. App. No. 2004/0114939 A1). However, claims 13, 14 and 16-18 have been canceled herein, rendering the rejections of these claims moot.

6. Rejection of Claims 15, 19 and 20 Under 35 USC 103(a)

Claims 15, 19 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Mells (US Pat. No. 6,850,710) in view of Taylor (US Pub. Pat. App. No. 2004/0114939 A1) and Heidemann (US Pat. No. 5,631,760). However, claims 15, 19 and 20 have been canceled herein, rendering the rejections of these claims moot.

7. Rejection of Claim 25 Under 35 USC 103(a)

Claim 25 stands rejected under 35 USC 103(a) as being unpatentable over Mells (US Pat. No. 6,850,710) in view of Taylor (US Pub. Pat. App. No. 2004/0114939 A1) and Tsushima et al. (US Pat. No. 5,305,134; hereinafter "Tsushima").

Claim 25 is believed to be allowable, at least, because 1) it depends from claim 22, and 2) Mells and Tsushima fail to disclose that which is missing from the combined teachings of Olshansky and Taylor (see, sec. 3 of these Remarks/Arguments).

8. Conclusion

In light of the amendments and remarks provided herein, applicants respectfully request the issuance of a Notice of Allowance.

Respectfully submitted,
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